



Item
Meeting 2013 June 10

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2013 June 03
FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 42000 20
Reference: Burnaby Tree Bylaw
SUBJECT: PROPOSED BURNABY TREE BYLAW AMENDMENTS
PURPOSE: To initiate a public consultation process regarding proposed amendments to the Burnaby Tree Bylaw.

RECOMMENDATIONS:

1. **THAT** Council authorize a public consultation process for the proposed amendments of the Burnaby Tree Bylaw, as outlined in this report.
2. **THAT** a copy of this report be sent to the Environment Committee, and the Parks, Recreation and Culture Commission, for information.
3. **THAT** a copy of this report be sent to those Burnaby residents who have previously corresponded with the City on this matter.

REPORT

1.0 INTRODUCTION

Council has requested a review of the current Tree Bylaw. The purpose of the review is to ensure that the Bylaw remains contemporary and relevant through consideration of proposals for enhancement of the Bylaw.

At their meeting of 2011 October 03 Council received a staff report update regarding the process to complete the Tree Bylaw review, including: a review of tree bylaws in other jurisdictions; a survey of tree type, size and number in residential areas in Burnaby; and a public consultation program for any arising proposals.

Key directions for the Bylaw review include consideration of proposals for protection of trees in a wider variety of circumstances, consideration for an approach to specifically protect larger ("significant") trees within the City, and ensure adequate tree replacement of benefit to the urban forest.

Arising from the Tree Bylaw review, and identification of key directions, this report provides a summary of proposed amendments to the Tree Bylaw, which largely apply to private lands and lands proposed for development, as a basis for public consultation.

2.0 BACKGROUND INFORMATION

2.1 Burnaby's Urban Forest

Burnaby's landscape was originally covered in ancient forests dominated by Hemlock, Cedar, Douglas Fir and Spruce trees. Today it is characterized by a variety of urban land uses, as well as tree and forest types that have evolved through natural and cultural processes, resulting from the historical and ongoing development of the City.

A key part of Burnaby's identity is the preservation of over 25% of the City's land base as public greenspace, including forested areas such as: Burnaby Mountain, Central Park, Burnaby Lake, Burrard Inlet Foreshore; ravine systems in the south slopes and other areas; Big Bend wetlands and Fraser Foreshore areas. Other areas of the City also contain a wide variety of trees, including native and imported species, on both public and private lands, including boulevards and rights-of-way, residential yards and a variety of landscaped spaces. Collectively, these trees and treed ecosystems comprise Burnaby's *urban forest*.

Urban forests are widely recognized for providing environmental, social and economic benefits, including:

- beautifying and enhancing neighbourhoods;
- improving property values;
- protecting human health (by filtering air pollution);
- conserving energy in heating and cooling (by providing shade and wind shelter);
- capturing and storing carbon (mitigating climate change);
- managing stormwater (by intercepting rainfall and enhancing soil permeability);
- cooling the environment (by reducing the urban heat island effect);
- improving social well-being;
- providing food and habitat for wildlife;
- stabilizing steep slopes and stream banks; and
- enhancing ecological connectivity.

2.2 Civic Tools for Urban Forest Management in Burnaby

The City of Burnaby has implemented a variety of policy tools to manage the urban forest, including: broad environmental protection policies of the Official Community Plan and specific area plans; parks and open space plans; policies and programs for the management of trees on public lands; protection of riparian trees and other vegetation through the Streamside Protection and Enhancement Areas Bylaw; and urban design standards for new development. In addition, through the development review process, applicants provide for tree protection and new trees as part of the subdivision and rezoning approval processes. Finally, the Tree Bylaw itself applies to protection of trees where the development of single- and two-family lots are proposed. Provisions of the Tree Bylaw, in this context, are summarized below.

2.3 Burnaby Tree Bylaw – Founding Principles

The Burnaby Tree Bylaw was enacted in 1996 in response to community concerns about the changing character of the city with the removal of trees on single- and two-family residential lots during the construction of a new residence, or the demolition of an existing residence. The intent of the Bylaw was to address this specific concern, and was based on the following principles:

- **A Balanced Approach:** *The Bylaw should provide a balance between allowing for the reasonable use and enjoyment of private property and yet address public concerns about the need to protect trees.*
- **Reasonable Cost:** *The Bylaw should not impose an unreasonable and onerous financial burden on property owners or on the City in administering the Bylaw.*
- **Simplicity and Effectiveness:** *The Bylaw should be easily understood by the public and capable of effective enforcement.*
- **The Urban Forest:** *The Bylaw should recognize that trees on private and public lands are an important component of the urban forest and ecology of the city.*

2.4 Scope of the Burnaby Tree Bylaw

The Tree Bylaw applies to single- and two-family residential properties that are subject to an application for a Building or Demolition Permit. Outside of the development period (3 months prior to issuance of a Building Permit and one year after issuance of an Occupancy Permit), a permit is not required to cut a tree, and during this time property owners are allowed to manage and remove trees on their residential properties. Properties other than single- and two-family lots are not currently subject to the Tree Bylaw. However, as noted above, trees are protected through other development processes and City policies.

2.5 Definition of “Protected Tree”

A “Protected Tree” is defined in the Tree Bylaw as:

- a tree, located on a residential lot, the diameter of which is greater than 20.3cm (8 inches);*
- a covenanted tree;*
- a tree or plant located within 15m (49.2 ft.) of a watercourse or ravine as measured horizontally from the top of the bank;*
- a tree on a lot designated as Cemetery District (P4) under Burnaby Zoning Bylaw 1965;*
or
- a replacement tree (i.e. a tree required to be planted as a condition of a Tree-Cutting Permit issued under the Tree Bylaw).*

2.6 Tree Replacement

As a condition of a Tree-Cutting Permit, or to mitigate a Bylaw contravention, the Director of Planning and Building may require replacement trees to be planted. In practice, replacement trees are required to an extent depending on the condition of the tree(s) removed, and the available space on the site in which to plant. Applicants are typically required to provide a cash deposit or letter of credit for any replacement tree(s) specified as a condition of their permit.

2.7 Exemptions

Exemptions to the Tree Bylaw (*i.e.*, when a permit is not required to cut a tree), include: pruning; emergency removal of a protected tree; tree removal to allow for public infrastructure construction or maintenance (roads, utilities, etc.); removal of a tree located within 1.5m of an approved building footprint; removal of trees from a residential lot except when undergoing development (as described above); and tree removal associated with normal park maintenance, in accordance with the Council approved *Tree Management Policy for Public Lands*.

The above noted *Tree Management Policy for Public Lands* was adopted by Council on 1989 March 18 and updated on 2007 November 19. It applies to trees growing within "road allowances (including lanes and boulevards), parks, public easements and other municipal holdings as deemed fitting," and specifies criteria and a process to evaluate and respond to public complaints regarding trees. Criteria specified in this policy for tree protection are generally consistent with the Tree Bylaw, and this policy would be reviewed for consistency with any future Tree Bylaw changes.

These exemptions and other provisions of the Tree Bylaw are consistent with the enabling provincial legislation (Community Charter) which states that a City tree bylaw may not apply to restrict tree removal in the following instances:

- If application of the Bylaw would prevent all permitted uses, or development to the permitted density, as specified in the Zoning Bylaw, unless subject to financial compensation or variance of the Zoning Bylaw to allow for the permitted density.
- Forestry activities on land governed by the *Forest Act* or *Private Managed Forest Land Act*. (Note: Burnaby has no such designated lands.)
- Safety, maintenance or operation of infrastructure by a utility on land owned or held by the utility. (Note: in Burnaby this would include BC Hydro and other rights-of-way.)

2.8 Tree Bylaw Enforcement

Generally, Burnaby property owners have complied with the existing Tree Bylaw. Nevertheless, infractions do occur from time to time. Infractions of the Tree Bylaw may include:

- Tree(s) cut or damaged without a permit or in contravention of permit conditions;
- Replacement trees not planted or not maintained; and
- Tree protection fencing not erected or not maintained.

A civic response to an infraction of the Tree Bylaw arises from complaints and City inspections, and generally consists of one or more of the following approaches to achieve compliance:

1. Mitigation planting of replacement trees is required for trees cut in contravention of the Tree Bylaw, as provided for in the Tree Bylaw. As described below, a security deposit (bond) is required for replacement trees, including those planted to mitigate a bylaw infraction, to ensure they are planted and maintained. Failure to plant or maintain a replacement tree may also be a ticket-able offense, as described below.
2. Withholding a bond held for replacement tree planting, pending compliance. The bond amount is the greater of \$800 per tree, or 120% of the cost of the replacement trees. The bond is refunded upon inspection and approval of the tree's condition after one calendar year. If a bond is abandoned, by an owner who chooses not to plant the required tree(s) or who plants the tree(s) but neglects to collect the bond, the current Tree Bylaw stipulates that the bond is forfeited to the City after one year. Abandoned bond funds are drawn from a deposit account and used to plant trees on City lands.
3. Issuance of a Bylaw Notice (infraction ticket) and penalty, as authorized under the Burnaby Bylaw Notice Enforcement Bylaw. The penalties specified in this Bylaw are:
 - \$300 for damaging or cutting down a protected tree without a valid Tree-Cutting Permit; failure to plant a replacement tree; failure to maintain a replacement tree;
 - \$200 for failure to allow employees or authorized agents to enter the site; and
 - \$100 for failure to erect or maintain a tree protection fence.

These penalties may be applied per offense and per day that the offense is committed. Upon receipt of a Bylaw Notice, a person may either pay the penalty (a discounted penalty is applied if paid within 15 days), or dispute/appeal the penalty within 15 days through the adjudication process. The adjudication system allows the City to manage bylaw disputes locally rather than through the Provincial Court system.

4. Issuance of a penalty under the Tree Bylaw, currently set at a minimum of \$2,000, for violation of any of the provisions of the Bylaw, which may be enforced through the provincial court system by summary conviction under the Offense Act.

3.0 REVIEW OF THE BURNABY TREE BYLAW

This report reviews the provisions of the existing Tree Bylaw, in keeping with the original principles and recognizing the community benefits provided by the urban forest. The recommendations provided are based upon a review of the comparable bylaws in other municipalities, as well as a tree survey undertaken on representative residential lots in Burnaby¹, and in response to the direction to consider ways to enhance the Tree Bylaw. In summary, the review of municipal tree bylaws has identified potential amendments to the Tree Bylaw that

¹ Summaries of these studies will be made available on the City's website as part of the proposed public consultation program.

could be considered to improve management of the urban forest, while continuing to be guided by the other original tree bylaw principles.

Staff completed a review of other municipal tree bylaws including the adopted tree bylaws of all Metro Vancouver municipalities, and those of six additional urban BC municipalities. Many different approaches are used across these municipalities, each of which is tailored to specific local issues, context and urban forest characteristics of the subject jurisdiction. As such, there is not a single 'standard' approach to tree regulation. Nevertheless, some general findings of this review include the following:

- The majority of municipal tree bylaws apply to all privately owned lands, both during and outside of the development period;
- The most common approach for defining a "protected tree" in tree bylaws is based on the size of tree; several bylaws reviewed also include a list of species and/or an inventory of individual trees in the community that are protected;
- The median "protected tree" minimum size is 20cm (8 inches);
- Most tree bylaws include a requirement for planting replacement trees as a condition of a Tree-Cutting Permit; and
- Many of the tree bylaws reviewed have been introduced or significantly amended in the past decade; generally, the direction of these changes has been to implement more controls over tree cutting.

These attributes of other tree bylaws contributed to the development of proposals outlined below. A summary of this study will also be made available on the City's website, as part of the proposed public consultation program.

As noted, staff completed a survey of trees in Burnaby's residential areas. In this survey, staff visited a representative sample of 300 single- and two-family residential lots and recorded the size and species of trees found on those lots. This data was used to ensure that proposals for amendments to the Tree Bylaw reflect the specific characteristics of Burnaby's urban forest in the context of residential neighbourhoods, and to estimate potential implications of specific bylaw provisions. A summary of findings of this survey is provided in *Appendix 1*, and will also be made available on the City's website, as part of the proposed public consultation program.

The proposed amendments and related initiatives address five key directions:

- *Scope of the Tree Bylaw*
- *Size of "Protected Trees"*
- *Tree Replacement*
- *Enforcement Provisions*
- *Tree Permit Fees*
- *Residential Boulevard Trees (LASP program enhancement).*

3.1 Scope of the Tree Bylaw

3.1.1 Current Approach – Scope of Tree Bylaw

The current Tree Bylaw applies to single- and two-family lots that are subject to an application for a Building or Demolition Permit.

3.1.2 Proposed Approach – Scope of Tree Bylaw

Based upon the review of the approaches used in other municipalities, and objectives to expand the scope of the Tree Bylaw, it is proposed to amend Burnaby's Tree Bylaw such that the Bylaw would apply:

- to all private lands, both during and outside of the development period, and
- to City-owned lands, when subject to a development application.

Under this Bylaw approach, Tree-Cutting Permits and associated fees would be required for development affecting trees on all properties.

Development applications for rezoning and subdivision are currently subject to a policy procedure approach for tree protection and management, whereby development applicants provide a survey of existing trees, are encouraged to avoid removing trees where possible, and provide replacement trees for those removed to allow for development. From this perspective, the proposal to expand the scope of the Tree Bylaw would not result in significant changes for most development applications. Articulating the existing policies within the scope of the Tree Bylaw would, however, clarify development-related tree protection requirements; ensure that the City's Tree Bylaw program is supported with tree permit fee revenue; and assist City staff to track and enforce tree planting and management issues on all lands subject to development.

The most significant change that would arise from expansion of the scope of the Tree Bylaw would affect lands not within the development approval process, as the trees on all lands would become subject to the provisions of the Bylaw. Specifically, this approach would require a Tree-Cutting Permit to remove specified trees on private lands that are not in the development process, and on City lands under private use (e.g. rental and leased properties). To limit the impact on city resources to process applications, and to maintain some flexibility for private property owners to manage landscaping on private lands, the Bylaw proposal is to focus in this case only on specified "significant" trees (those over a defined size), as outlined in the following sections of this report.

This proposal for application of the Tree Bylaw, outside of the development approval process, represents the largest opportunity to enhance the Tree Bylaw approach to protect and improve the urban forest, and to establish a clear and consistent approach that applies at all times, and for all lands in Burnaby.

For City lands in public use, that are not part of a development proposal for a new building, facility or land improvement, the City has an adopted policy approach for the management of trees. This applies to City park, open space, and conservation lands; lands accommodating City facilities; and boulevards. This policy provides for an equivalent approach for management of trees on City lands in public use that are not subject to development.

Summary Comment:

The review of municipal tree bylaws indicated that the large majority of the municipalities reviewed implement a tree bylaw approach focused on tree protection, both during and outside of development approval processes, consistent with the approach proposed for Burnaby.

However, an alternative and more limited scope could be defined for application of the Tree Bylaw. This could include: retaining the current scope (the tree bylaw would continue to apply only to single- and two-family residential properties undergoing development); applying the Tree Bylaw to specific zoning districts in addition to single- and two-family lots; limiting the Tree Bylaw to specific geographic areas of the city; or applying the Tree Bylaw exclusively to development applications. These options, while available, have not been proposed, as they would not be as comprehensive or inclusive as the current proposal.

3.2 Size of “Protected Trees”

3.2.1 Current Approach

The current Tree Bylaw defines a Protected Tree as “a tree, located on a residential lot, the diameter of which is greater than 20.3 cm (8 inches)..”

Tree size is normally measured as the trunk diameter at a standard height of 1.3m or 4.26 ft. above the ground.

3.2.2 Proposed Approach – Overview of Protected Trees

It is proposed that Burnaby’s Tree Bylaw be amended to specify two different size classes of Protected Trees, depending on whether or not the lot is subject to development:

- Lots subject to a development application where trees are affected: any tree **20cm** (8 inches) or greater.
- Lots not subject to a development application (*i.e.* existing use of land): any **conifer tree 30cm** (12 inches) or greater, and any **broadleaf tree 45cm** (18 inches) or greater. These tree types/sizes are proposed to constitute “Significant Trees” in Burnaby, based on the residential tree survey, as summarized in *Appendix I*. For simplicity, in this report, the broader term “Protected Trees” is

used, distinguishing whether in reference to a development or non-development situation.

Consistent with the current Tree Bylaw, trees growing within a tree retention area (tree covenant, Streamside Protection and Enhancement Area, or approved landscape plan), and replacement trees, would continue to be protected under the Tree Bylaw.

The proposed approach is summarized as follows:

	Current Approach - size	Proposed Approach - size	
	Development Application	Development Application	No Development Application (existing use)
Protected Tree Size	Any tree 20 cm (8") +	Any tree 20 cm (8")+	Conifers 30cm (12") + Broadleaf 45cm (18") +

3.2.3 Proposed Approach – Lots Subject to a Development Application

Consistent with current practice, it is proposed that on lots subject to a development application, a Tree-Cutting Permit would be required to remove *any tree 20cm (8 inches) or more in diameter.*

This (20cm/8 inch) size is specified in the current Tree Bylaw for development of single- and two-family lots, and is applied in the development policy approach for lots subject to rezoning or subdivision. Development of a lot offers an opportunity to protect healthy trees of a wide variety of sizes when located outside the development footprint. This size of tree is a commonly applied size in other jurisdictions and there has been general acceptance of this tree size requirement by land owners. Therefore it is recommended that this more conservative 20cm (8 inches) size continue to apply for development.

3.2.4 Proposed Approach – Lots Not Subject to a Development Application

On lots that are not subject to a development application, that is the current prevailing use in ongoing, whether for residential, commercial, industrial or other use, it is proposed that the Tree Bylaw serve to protect and regulate the removal of trees of the following types/sizes:

- a. Any Conifer tree 30cm (12 inches) or more in diameter; and
- b. Any Broadleaf tree 45cm (18 inches) or more in diameter.

Conifer trees are distinguished from broadleaf trees by having needle- or scale-like leaves and cones, and most retain their leaves year-round (e.g., Douglas Fir, Cedar), whereas broadleaf trees have flat leaves and most shed their leaves in the fall (e.g., Maple, Oak). On a per-tree basis in Burnaby, conifers generally provide more environmental and community benefits, and are therefore proposed to be more broadly protected, as outlined below.

The Residential Tree Survey (*Appendix I*) indicated that most conifer trees in Burnaby are native species. Conifers are also usually the largest trees, helping to define the character of many neighbourhoods. Published studies have demonstrated that conifers fulfill important functions in urban environments such as reducing stormwater runoff and filtering air pollution. Since they retain their leaves year-round, these benefits (as well as others such as privacy, wind shelter and habitat) are provided throughout the year. A smaller size designation for conifer trees helps to maintain these benefits through the review and retention of a greater number of these trees.

The residential tree survey indicated that: broadleaf trees are on average smaller than conifers; are mostly non-native species; the broadleaf tree population includes a large number of species; and broadleaf trees have highly variable sizes, growth forms and suitability for urban environments. While some species may grow to large size and have a long lifespan (thereby significantly contributing to neighbourhood character and environmental benefits); other species, such as fruit trees and smaller ornamental species, do not play as significant a role in the urban forest. A larger size designation for broadleaf trees would help to ensure city efforts are directed toward those trees that provide the greatest social and environmental benefits.

3.2.5 Proposed Protected Tree Criteria – Estimated Impact and Alternatives

Based on the Residential Tree Survey, the following can be estimated with regard to the potential scope and impact of these specific proposed tree size criteria, for lots not subject to a development application.

- The proposed size criteria represent approximately **44% of all the trees** (both conifers and broadleaf trees) surveyed on residential lots.
- One or more tree(s) of this size/type are expected to be present on approximately **34% of all residential lots**.
- Conifer trees 30cm (12 inches) and greater represent approximately **73% of conifers** and approximately **34% of all trees** (both conifers and broadleaf trees).
- Broadleaf trees 45cm (18 inches) and greater represent approximately **15% of broadleaf trees** and approximately **7% of all trees** (both conifers and broadleaf trees).

Summary Comment:

Based on the residential tree survey, for lots not subject to a development application, Protected Tree size criteria were chosen so as to provide for protection of 'significant trees' while avoiding regulation of trees of less significance to the overall urban forest in Burnaby.

Alternative approaches to defining Protected Trees were considered as follows:

- The Tree Bylaw could establish one set of criteria for Protected Trees applicable to both development and non-development situations. This option is not proposed since a larger size for a development situation would result in fewer trees retained or replaced compared to current standards, while applying a smaller size to both development and non-development situations would have a larger impact on land owners and increase City resource requirements to administer the Tree Bylaw.
- The Tree Bylaw could specify larger or smaller Protected Trees in a non-development situation. A smaller size threshold would subject land owners to increased regulatory requirements and require increased city resources to administer. A larger size threshold would not confer regulatory controls on the removal of trees that may be seen as significant community assets. The various Protected (Significant) Tree size options considered are summarized in *Appendix I*.

As described in *Appendix I*, the proposed Protected Tree criteria for lots not subject to a development application represents an approximately median value that is expected to capture the trees of highest priority for community character and environmental benefits, while avoiding an overly restrictive approach whereby property owners would be significantly encumbered in the day-to-day and year-to-year management of trees and landscaping on private properties.

3.2.6 Proposed Approach – Criteria for Removal of Protected Trees

The objective of the Tree Bylaw for Protected Trees would be to protect existing healthy Protected Trees where possible, but to allow removal of Protected Trees that are hazardous, causing other serious conflicts with urban land use, or must be removed to allow for development. As such, the following criteria (shown in *Table I*), equivalent to criteria currently used for evaluating development-related tree removal, are outlined to ensure a consistent approach in reviewing all Tree-Cutting Permit applications.

These criteria are designed to allow for removal of trees in a variety of supportable circumstances, to enable property owners to protect property or to develop their land, while also ensuring trees are not removed unnecessarily or for reasons such as minor inconvenience or aesthetic preference.

Table 1. Proposed Criteria for Approval of Tree-Cutting Permit for Protected Tree Removal

Conditions when a Tree-Cutting Permit would normally be issued	Conditions when a Tree-Cutting Permit would NOT normally be issued
<ul style="list-style-type: none"> ✓ Tree is unhealthy. ✓ Tree is structurally unsound. ✓ Tree roots interfering with underground utilities. ✓ Tree obstructing sight lines on roadways. ✓ Tree causing damage to structures on property (that could not be mitigated through other means). ✓ Species not well suited to growing conditions of site. ✓ Not enough space on site to accommodate mature form. ✓ Less than 10 years of healthy lifespan remaining. ✓ Retention of tree would prevent development or servicing of the lot, in accordance with the Zoning Bylaw. ✓ Retention of tree would cause undue hardship to property owner. 	<ul style="list-style-type: none"> ✗ Tree is shading the yard/house. ✗ Tree is dropping leaves, needles or other normal material. ✗ Tree is obstructing views. ✗ Tree is preventing alternative landscaping of yard. ✗ Tree attracts bugs (unless due to poor health). ✗ Tree attracts birds or other wildlife.

Summary Comment:

Alternative approaches that could be considered include making these criteria more, or less, restrictive. A less restrictive approach could include allowing for removal of an “unwanted tree”. However, this would undermine the overall objective to protect the urban forest, including “significant” trees in the community. A more restrictive approach could include requiring an arborist’s report documenting a safety risk in support of any tree removal. However, this would impose greater cost on land owners, and reduce the ability of City staff to assist land owners to manage a variety of tree issues as a public service through administration of the bylaw.

3.2.7 Proposed Approach – Dispute Resolution for Protected Tree Removal

In the event that a Protected Tree did not meet the proposed criteria allowing for its removal, staff would endeavor to work with the land owner to address the particular concern through dialogue including education about tree health and risks, the intent of the city’s regulations and policies for tree retention, and recommendations for pruning or other non-destructive treatments.

If this approach was not successful, the following process is proposed to be followed:

1. A land owner would have the option to retain a certified arborist to provide a professional opinion supporting their request to remove the tree on the basis of risk, tree health or other criteria listed in Table 1. Generally, City staff would review the arborist report and, provided that it met accepted standards of practice, would accept the professional opinion, either in support of removal or retention of the tree.
2. If the owner continued to dispute the retention of a Protected Tree, they would have the option to request a review of the matter by the Director, Planning and Building.
3. Finally, if the matter was still not resolved, and as provided for in the Community Charter (Section 52) and the current Tree Bylaw (Section 18), a land owner would have the right to submit an appeal to Council to have the matter reconsidered.

An overview of the proposed process for review of a Tree-Cutting Permit application and appeal process is provided in *Appendix 2*.

If a land owner proceeded to cut a Protected Tree in contravention of the Tree Bylaw, the Bylaw enforcement process would be applied (see *Section 3.4*).

3.3 Tree Replacement

3.3.1 Current Approach – Tree Replacement

Currently, replacement tree planting is a condition that may be applied to a Tree-Cutting Permit. In general, the number of replacement trees required is determined based on the condition of the tree removed (removal of healthy trees typically requires planting more replacement trees), and on space constraints of the lot undergoing development. Based on the current application of requirements for tree replacement, the replacement ratio achieved is less than one-to-one overall.

3.3.2 Proposed Approach – Tree Replacement

While the current approach has been applied pragmatically to planting opportunities on sites, there is an opportunity to further improve this contribution to the urban forest through enhanced tree replacement requirements, and options for payment in-lieu to support off-site tree planting on City lands. To support the provisions for tree replacement, either on the subject site of a tree permit application, or through a contribution in-lieu, it is recommended that tree replacement be made a mandatory requirement for most Tree-Cutting Permits, and that the number of replacement trees required be scaled to the size of the tree cut (as shown in *Table 2*).

Table 2. Proposed Replacement Tree Requirements

Size of Protected Tree to be Cut	Minimum Number of Replacement Trees Required for Each Tree Cut
Between 20cm (8 inches) and 30cm (12 inches)	1
Between 30cm (12 inches) and 60cm (24 inches)	2
60cm (24 inches) or greater	3

This proposed approach would apply to all Tree-Cutting Permits associated with development, as well as to all Tree-Cutting Permits not associated with a development application, with the following exception. For tree removal, in a non-development situation on single- and two-family lots, the tree replacement policy is proposed to be maintained as a condition that may be applied, subject to consideration of the particular characteristics and site constraints of the lot. This approach would be similar to the current practice, and is proposed in order to limit the regulatory and cost burden on single- and two-family property owners in the case of necessary tree removal.

The scaled tree replacement ratio would acknowledge the increased environmental and community benefits provided by larger trees, and enable more rapid recovery of these benefits after permitted tree cutting. Where space does not allow the full complement of replacement trees to be planted on the subject site, the proposed approach is to allow for a cash in-lieu-of contribution to a financial reserve, which would be used exclusively to finance tree planting on City boulevards, parks, and conservation lands. This is similar to the approach currently used for tree planting deposits when abandoned by lot developers, which would be maintained in a revised Tree Bylaw approach.

Summary Comment:

Collectively, the proposed approach for tree replacement is intended to enhance the urban forest while allowing for development and management of tree concerns.

Mandatory tree replacement, specifying ratios ranging from 1:1 to 3:1 (number replaced to number cut), is a provision of most tree bylaws reviewed.

Alternative approaches could include maintaining the current policy and practice, or specifying a smaller or larger ratio. The approaches to maintain the current practice or to specify a lesser replacement standard are not being proposed as part of this report as they would not result in an enhancement of the current efforts for tree replacement, both on- and off-site. A higher standard is also generally not supported by this review, as it could be seen as excessive and lead to increased aversion to compliance with Tree Bylaw provisions.

3.4 Enforcement Provisions

3.4.1 Current Approach – Enforcement

The current approach to enforcement of the Tree Bylaw, as described in Section 2.8, includes several “tools” to address non-compliance such as illicit tree cutting, ranging from compensatory planting, to prosecution and fines. This approach has been relatively successful; however, to support changes to the scope of the Tree Bylaw, such as those outlined in this report, an approach for strengthening of the enforcement program is proposed.

3.4.2 Proposed Approach – Enforcement

As with any new or broadened regulation, it is recommended that the proposed changes to the Tree Bylaw be supported by a strong enforcement program, to ensure that the objectives of the bylaw are achieved. The following approaches are therefore proposed.

- **Mitigation planting to be provided for trees cut in contravention of the Tree Bylaw:** If trees are cut in contravention of the Tree Bylaw, a land owner would be required to plant replacement trees, and/or, if planting on the subject property is not feasible, to contribute cash-in-lieu, for the required replacement trees, to the proposed civic tree fund to finance tree planting on public lands for on-site replacement tree planting. Bonding would be required, and would be held for a one year period to ensure the tree is well established and maintained. This approach is consistent with current practices, but would be strengthened with the following proposal, as well as the enhanced tree replacement standards as proposed in Section 3.3.

In the case of a Tree Bylaw contravention, replacement trees larger than the normal standard specified in the Bylaw would also be required, with a proportionately larger security deposit, in order to: a) deter non-compliance; and b) ensure more rapid recovery of the community and environmental benefits provided by the tree that was cut.

- **Ticketing for Tree Bylaw infractions:** It is proposed that the City’s Bylaw Notice Enforcement Bylaw be amended to increase the penalty for cutting a Protected Tree without a valid Tree-Cutting Permit, and for failure to plant or maintain a replacement tree. (A ticket would only be applied to the latter in regards to mitigation planting of replacement trees to compensate for an illegal tree cutting, whereas permitted tree replacement is enforced through retention of the security deposit.) Currently, a penalty of \$300 applies for the above offenses. This amount is proposed to be increased to \$500 (the maximum allowable by legislation). Cutting a tree without a valid Tree-Cutting Permit would be a one-time offense, while failure to plant or maintain a replacement tree could be penalized for each day the offense occurs, in the case of mitigation planting for

non-compliance, as noted above. This penalty may be applied additionally to any other mitigation or penalties.

- **Tree Bylaw prosecution:** It is proposed that the penalty specified in the Tree Bylaw (currently a minimum of \$2,000) for a prosecution under the Offense Act, be increased to a maximum of \$10,000. Offense Act prosecutions could be undertaken for more serious offenses.

Summary Comment:

In summary, the proposed approach for Tree Bylaw enforcement involves a range of tools that could be used, depending on the situation. In some cases, mitigation planting may be a sufficient approach that, in the case of more than 1:1 replanting, also has a positive net result for the urban forest in the long term. In other cases, e.g., deliberate bylaw contravention, the ticketing option allows the City to issue a penalty in addition to replacement planting, in a simple and effective manner. In more serious cases, the maximum penalty could be sought through the provincial court system. Collectively, these approaches are proposed to demonstrate the City's commitment to compliance with a revised Tree Bylaw. The proposed approach is intended to provide a range of options that overall constitute a firm, yet fair and pragmatic approach.

3.5 Tree Permit Fees

3.5.1 Current Approach – Tree Permit Fees

Current fees for a Tree-Cutting Permit, applied to the development of single- and two-family lots, are defined in the Tree Bylaw as:

\$67 for the first tree, \$36 for each additional tree, up to a maximum of \$265 for the first 0.5 hectares (ha) of land; \$240 for each of the next 2.5 ha; \$195 for each of the next 3.5 ha.

3.5.2 Proposed Approach – Tree Permit Fees

The proposed fees and associated administrative process are intended to:

1. Limit the monetary impact on landowners to a reasonable degree, particularly to single- and two-family landowners not applying for development permits.
2. Promote dialogue with the City to evaluate tree health and options available to address concerns related to trees, and to encourage general compliance with the Bylaw (e.g., discourage 'fee avoidance' behaviour with unauthorized tree cutting).
3. Achieve cost recovery of implementation of the Tree Bylaw.

4. Meet Community Charter requirements to ensure fees do not exceed costs of services and administration of the Tree Bylaw.

The proposed approach consists of a variable fee structure, depending on the type of property and whether or not it is subject to development.

- For single- and two- family properties that are not the subject of a development application, the proposed fee is \$70 per tree, to a maximum of \$500. This fee structure represents a small increase from the current fees and simplifies calculation of the total applicable fee, while ensuring a maximum is in place to prevent excessive fees in the case of numerous trees for which removal is supported by the proposed criteria outlined previously.
- For properties other than single-and two-family lots, that are not the subject of a development application, the proposed fee is also \$70 per tree, to a maximum of \$500.
- For single-and two-family properties that are subject to a development application, the proposed fee is \$150 per tree, up to a maximum of \$1,000.
- For properties other than single- and two-family lots that are subject to a development application, the proposed fee is \$150 per tree, with the addition of a base fee that would be scaled to the size of the lot. The base fees are proposed to range from \$600 for a lot up to 1,000m² (10,700 sq.ft.), to \$3,000 for the largest lots (over 20,000m² or 5 acres). This provision recognizes the additional staff time required for assessing larger and increasingly more complex sites.
- For lands subject to development where trees are affected, tree fees would only apply if: 1) the lot contains trees; and 2) the development includes site works with the potential to damage trees (e.g., it would not apply for interior modifications requiring a building permit). Tree fees would apply to all types of development, upon application for the first applicable development permit (Rezoning, Subdivision, PPA, Demolition or Building Permit).

These proposed fees are summarized in **Table 3**.

The proposed Tree Permit fee structure is related to required resources to implement the bylaw as follows:

- **Permits and Revenue:** Under the proposed Tree Bylaw approach, approximately 900 permits are anticipated per year.
- **Staff:** In order to maintain the current ratio of staff to permits processed, an additional 2.0 FTE is required to manage the proposed Tree Bylaw approach, consisting of one additional full time arborist, and one full time technician.

- **Estimated Cost Recovery:** The fee structure outlined above would result in approximately 90% cost recovery, with the remainder drawn from general City revenue.

A comparison of the proposed and current fees is provided in **Table 4** below.

Table 3. Proposed Tree Permit Fee Structure

	Proposed Permit Fee	Maximum Fee
NO DEVELOPMENT (Significant Trees)		
1 and 2 Family Lots	\$70 per tree	\$500
Other than 1 and 2 Family*	\$70 per tree	\$500
DEVELOPMENT (Trees >20cm):		
1 and 2 Family Lots	\$150 per tree	\$1,000
Other than 1 and 2 Family Lots, up to 1000m ² (10,764 sf)	\$600 base fee + \$150 per tree	\$1000
Other than 1 and 2 Family Lots, 1000m ² (10,754 sf) to 5000m ² (53,820 sf)	\$1200 base fee + \$150 per tree	\$5000
Other than 1 and 2 Family Lots, 5000m ² (53,820 sf) to 10,000m ² (107,640 sf)	\$1800 base fee + \$150 per tree	\$5000
Other than 1 and 2 Family Lots, 10,000m ² (107,640 sf) to 20,000m ² (215,280 sf)	\$2400 base fee + \$150 per tree	\$10,000
Other than 1 and 2 Family Lots > 20,000m ² (215,280 sf)	\$3000 base fee + \$150 per tree	\$10,000

* Includes those land uses regulated under the Tree Bylaw's jurisdiction

Table 4. Summary of proposed fees, staff resources and revenue

	Existing	Proposed
No Development (per tree)	--	\$70
Development (per tree fee)	\$67 ^a	\$150
Development (base fee)	--	\$600-\$3,000 ^b
Number of permits/year	360	900
Staff Resources (FTE)	1.5	3.5
FTE per 100 permits	0.4	0.4
Est. Cost Recovery	20%	90%

a) Currently development-related per-tree fees apply only to single- and two-family lots.

b) Base fee would not apply to single- and two-family lots. Range indicates value would be scaled to property size as noted in Table 3.

Summary Comment:

The proposed approach is based on the principle that the bylaw program should be supported primarily by those property owners who interact with the bylaw through the removal and planting of trees on their property.

4.0 RESIDENTIAL BOULEVARD TREES

The Tree Bylaw applies only to private lands, City lands in private use, and City lands subject to a development application; however, trees on public boulevards are also of concern to residents. Sometimes these trees become afflicted with insect pests or disease which can cause problems for property owners. In some areas of the City, there are no street trees.

The City currently has a Local Areas Service Program (LASP) that allows residential landowners to apply for improvement of their street, in order to upgrade streets to a standard including increased width of paved surface, installation of curbs/gutters and sidewalks, and planting of street trees, which is cost-shared with the City. It is noted that some streets were upgraded prior to implementation of the current LASP street standard that includes boulevard trees as a standard item.

Aside from the LASP, the City's Parks Department currently manages existing street trees, and plants new street trees on City lands in various areas of the City as resources become available, including in residential and other areas.

The proposed approach, outlined below, would provide an additional option for residential property owners to achieve block-scale street tree installation or replacement.

4.1 Residential Boulevard Trees – Proposed Approach

In order to enhance the existing programs for residential boulevard trees, it is proposed that installation or replacement of boulevard trees along a City block be added as a specific type of work of the LASP program. Residential landowners could thereby cost-share with the City to replace or install street trees. The program would have the following provisions:

- As specified by the Community Charter: *“The petition must be signed by the owners of at least 50% of the parcels that would be subject to the local service tax; and the persons signing must be the owners of parcels that in total represent at least 50% of the assessed value of land and improvements that would be subject to the local service tax.”*
- Planting new street trees would only be undertaken on those streets that already have sidewalks/gutters, etc.; on streets without these amenities, owners would need to apply for the ‘standard’ LASP program, which includes street trees in addition to the other improvements.
- The replacement of an existing block of street trees would be subject to staff review to ensure consistency with the tree removal criteria of the Tree Bylaw, as well as the City's *Tree Management Policy for Public Lands*. Replacement trees would be chosen to fit

well with the specific site conditions and context and, to the degree possible, to mitigate owners' concerns.

- Council approval would be required for the proposed approach for a block-scale street tree installation or replacement, as per the existing LASP program.
- Street-tree-specific LASP work (i.e., not including the existing standard LASP improvement package) would be funded, to the degree possible, through revenue generated from the cash-in-lieu civic urban forest fund, as outlined in Section 3.3. As needed, based on community uptake, the program could also be funded by general revenue.

5.0 SUMMARY OF PROPOSED APPROACH

The Tree Bylaw proposals in this report have been structured to respond to Burnaby's specific landscape and community context, to build on the City's success in protecting ecosystems and greenspace, and to bring increased consistency and certainty to tree protection as part of the development process, and when managed by land owners where no development is proposed. Overall, the key objective of the proposed Tree Bylaw amendments is to establish a revised bylaw approach that effectively addresses protection and enhancement of the urban forest, while also adhering to the other original Tree Bylaw principles in a fair and balanced approach.

Under the proposed approach, the removal of any Protected Tree would be subject to review and issuance of a Tree-Cutting Permit, and would normally be conditional upon replacement tree planting. The proposals for replacement tree planting also take a holistic approach that address practical site constraints, while ensuring that the benefits of the urban forest continue to be provided over the long term through provision of on-site planting of replacement trees, and, where on-site replacement is not feasible, the use of cash in-lieu for planting on city lands.

The process for responding to Tree-Cutting Permit applications is summarized in *Appendix 2*.

The City of Burnaby's proposed amendments to the Tree Bylaw, which would be advanced for public consultation, are summarized as follows:

1. **Scope of the Tree Bylaw:** The Tree Bylaw, which currently applies to *single- and two-family lots undergoing development*, is proposed to be amended such that it applies to all private and City lots proposed for development, as well as to private lots (and City lots in private use) that are not undergoing development and continue to accommodate an existing use.
2. **Size of "Protected Trees":** The Tree Bylaw currently specifies a Protected Tree size of 20.3cm (8 inches). It is proposed that two size classes of Protected Trees be defined, in order to most effectively address the circumstances of each scenario, according to the following criteria:
 - Lots subject to a development application: **any tree 20cm (8 inches) or more.** This size of tree is currently specified in the Tree Bylaw and in City policy approaches for development, and has been found to be generally accepted.

- Lots not subject to a development application: **Any conifer tree 30cm (12 inches) or more in diameter; and any broadleaf tree 45cm (18 inches) or more in diameter.**

These Protected Tree sizes, for lots not subject to a development application, are proposed as an approximately median value among size options considered that address characteristics of each tree type and focus the Bylaw on the most valuable tree resources for the community.

3. Tree Replacement: The Tree Bylaw currently allows for tree replacement to be specified as an optional condition of a Tree-Cutting Permit. It is proposed to enhance tree replacement as a key activity to contribute to the management of the urban forest, and to recognize current practices in the Tree Bylaw, by:

- making tree replacement mandatory as a condition of all Tree-Cutting Permits (with the exception of non-development-related tree removal on single- and two-family lots);
- stipulating tree replacement ratios scaled to the size of the tree cut, ranging from one to three; and
- allowing for a cash in-lieu contribution to a proposed civic financial reserve if it is not feasible to plant the required number of replacement trees on a subject property, which would be used to finance the planting of trees on public lands.

4. Enforcement Provisions: The current enforcement program is proposed to be enhanced by the following, in response to a person cutting a tree without a valid Tree-Cutting Permit:

- Requiring mitigation planting, of an increased number and size of replacement trees, and/or contribution of cash-in-lieu, and payment of a refundable security that would be held for one year to ensure the planted tree(s) are properly maintained.
- Increasing the bylaw infraction ticket penalty applicable in the Bylaw Notice Enforcement Bylaw from \$300 to \$500 (the maximum allowable by legislation).
- Increasing the penalty specified in the Tree Bylaw from a minimum of \$2,000 to a maximum of \$10,000, which would be enforceable through the provincial courts.

5. Tree Permit Fees: In place of the current Tree-Cutting Permit Fee, of \$67 per tree (applicable only to the development of single- and two-family lots), the following fees are proposed, in order to achieve approximately 90% cost recovery for City expenditures dedicated to administration and implementation of the bylaw:

- \$70 per tree, to a maximum of \$500, for tree removal on a lot not subject to a development application.
- \$150 per tree, to a maximum of \$1,000, for tree removal on a single- or two-family lot that is subject to a development application.

- \$150 per tree, plus a variable base fee and variable maximum value dependent on lot size, for tree removal on all other properties that are subject to a development application.

6. Residential Boulevard Trees: It is also proposed that the City's boulevard tree program be amended through the Local Areas Service Program (LASP) to allow for block-scale installation or replacement of street trees, with submission of a petition signed by at least 50% of owners representing at least 50% of assessed value of the residential block, subject to review for consistency with the proposed criteria for tree removal and the City's *Tree Management Policy for Public Lands*, and subject to Council approval.

6.0 PUBLIC CONSULTATION AND NEXT STEPS

A public consultation program is proposed to gauge public support for the proposed amendments to the Tree Bylaw. The program is proposed to take place over approximately two months, and to involve public Information Displays and online feedback forms for community consultation. Public Information Displays would be provided in each of the four quadrants of the city. The public would be provided with information about the City's current Tree Bylaw and other tools employed to manage the urban forest, along with a summary of key proposed changes. A survey and feedback form would be made available, where respondents could state to what extent they agree or disagree with the tree bylaw proposals as outlined in this report, including:

- *Scope of the Tree Bylaw*
- *Size of "Protected Trees"*
- *Tree Replacement*
- *Enforcement Provisions*
- *Tree Permit Fees*
- *Residential Boulevard Trees (LASP program enhancement).*

The feedback regarding these Tree Bylaw approaches would be compiled in a follow-up report to Council. The proposed timeline for public consultation is:

- **Public Consultation:** Summer to early Fall, 2013.
- **Report back to Council to seek approval for specific Tree Bylaw amendments and implementation approaches:** Fall 2013 to Winter 2013-2014.

Following public consultation, staff would report back to Council with a summary of feedback received, and specific proposed amendments to the Tree Bylaw and the City's LASP program, along with details regarding implementation.

7.0 CONCLUSION

This report responds to Council's request for a proposed approach to enhance Burnaby's Tree Bylaw. The existing Tree Bylaw has served the city well since 1996, in addressing specific concerns around tree protection associated with development of one- and two-family residential lots. The proposals for amendment of the Tree Bylaw would more comprehensively address tree

To: City Manager
From: Director Planning and Building
Re: Proposed Burnaby Tree Bylaw Amendments
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protection and replacement for all properties in the city. These proposals were developed based on the review of relevant and successful approaches implemented in other municipal tree bylaws, and were guided by the Burnaby residential tree survey and key Council directions.

The Tree Bylaw proposals address the following key approaches:

- *Scope of the Tree Bylaw*
- *Size of "Protected Trees"*
- *Tree Replacement*
- *Enforcement Provisions*
- *Tree Permit Fees*
- *Residential Boulevard Trees*

The overall objective of the proposals is to establish a revised bylaw approach that effectively addresses protection and enhancement of the urban forest, while also adhering to the other original Tree Bylaw principles in a fair and balanced approach.

Based on the proposals outlined in this report, it is recommended that Council authorize a public consultation process for the proposed amendments of the Burnaby Tree Bylaw.

It is also recommended that a copy of this report be forwarded to the Environment Committee, and to the Parks, Recreation and Culture Commission, for information, as well as to those Burnaby residents who have previously corresponded with the city on this matter.


Lou Pelletier, Director
PLANNING AND BUILDING

LT: sla:sa:je
Attachments

cc: Deputy City Managers
Director Parks, Recreation and Cultural Services
City Solicitor
Acting Director Engineering
Director Finance
Acting City Clerk

APPENDIX 1: SUMMARY OF RESIDENTIAL TREE SURVEY

1. Introduction

A survey of 300 residential properties was undertaken to characterize the types and sizes of trees found on representative residential lots across Burnaby in order to:

- Understand the attributes of the tree resources in the City and to ensure that specific bylaw provisions adequately protect ecologically and culturally important trees, while avoiding unnecessary regulation.
- Estimate potential impacts of bylaw changes, such as the number of properties that may be affected with bylaw provisions focusing on particular types or sizes of trees.
- Gain a better understanding of how trees are spatially distributed across the city.

Details and methodology of this study will be provided in a summary on the City's website, as part of the proposed consultation program. Key results are noted below.

2. Results and Implications for Tree Bylaw

Key findings of this study include the following:

- Most residential lots are **characterized by relatively small trees**, with an average tree size of 34cm (13 inches) diameter.
- **Large trees are relatively rare**: only 11% of conifers and 4% of broadleaf trees had a diameter greater than 60cm (24 inches).
- Burnaby's urban forest is **highly diverse**: 59 species were recorded in the survey, 17 conifer species and 42 broadleaf species.
- Burnaby's urban forest is **mixed**: 51% conifers and 49% broadleaf species.
- **Conifers**: the large majority of conifers surveyed were native species, and were typically among the largest trees. Broadleaf trees in contrast were mostly imported species and on average were smaller.

*Table A1. Most Common Tree Species Observed in Residential Tree Survey
(Collectively Totaling 86% of Total Trees Surveyed: 825 Trees)*

Species	# in survey	Species	# in survey
Cedar, Western Red	146	Cherry	81
Fir, Douglas	77	Maple, Japanese	66
Cypress, Lawson	54	Apple	37
Cypress	35	Spruce	33
Pine	25	Fruit (various)	24
Maple	24	Plum	24
Hemlock	22	Fig	20
Magnolia	16	Ash	12
Dogwood	11		

Based on the residential tree survey data, a recommended size range for “Significant Trees” was determined, based on achieving a balance between protection of a significant portion of the urban forest (including trees likely to have a high profile in the community), and maintaining flexibility for land owners to manage general trees and landscaping on site. The recommended option (conifers $\geq 30\text{cm}$ or 12” and broadleaf trees $\geq 45\text{cm}$ or 18”.) is shown in *Table A2* as option #4, alongside other potential options, and the relative impact on tree protection and potential applicability to single- and two-family properties.

Figure A1. Distribution of Tree Sizes on Residential Lots

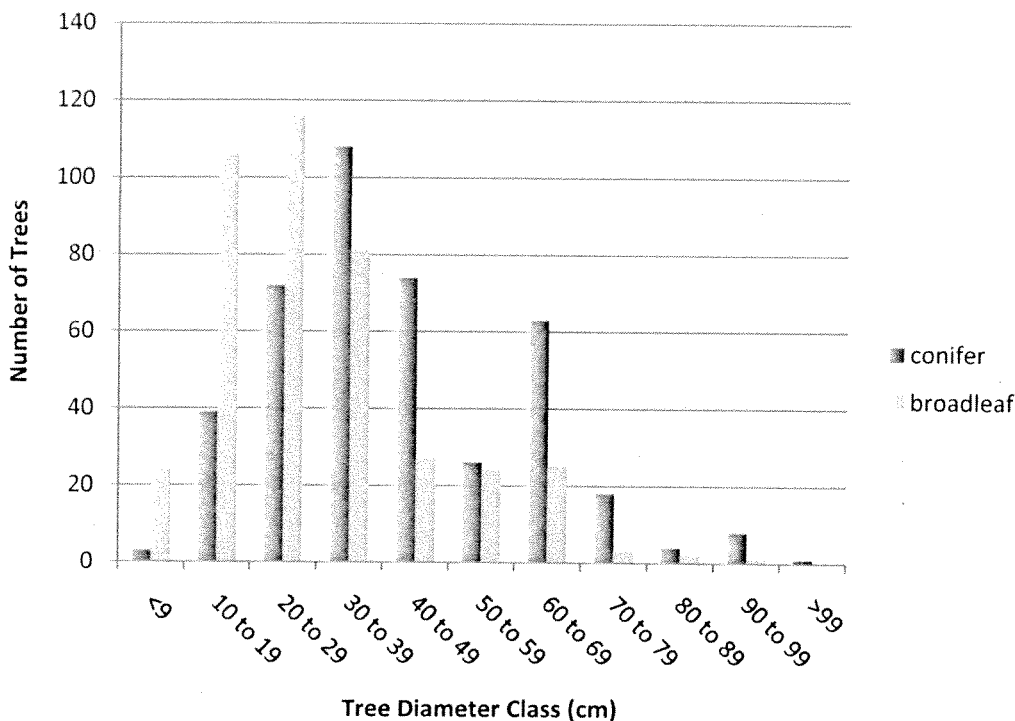


Table A2. Scope of Impact of Various Potential Size Criteria for Significant Trees (Protected Trees in a non-development situation)

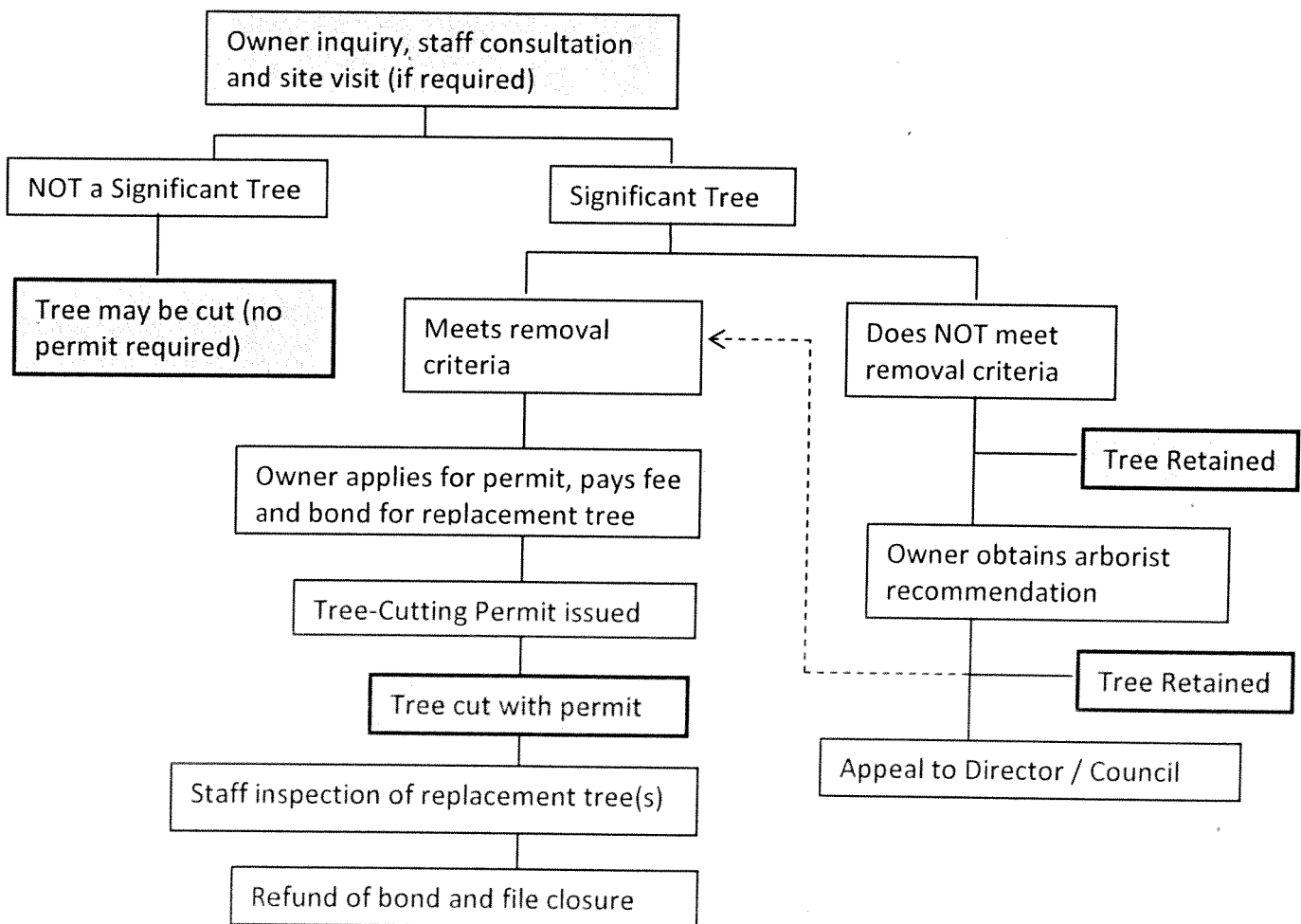
Option	Potential “Significant Tree” size criteria	# trees (out of 825)	% Trees	# Lots* (out of 300)	% Lots
1	all trees $\geq 20\text{cm}$	653	79%	164	55%
2	Conifers $\geq 20\text{cm}$, Broadleaf $\geq 30\text{cm}$	537	65%	145	48%
3	all trees $\geq 30\text{cm}$	465	56%	138	46%
4	Conifers $\geq 30\text{cm}$, Broadleaf $\geq 45\text{cm}$	364	44%	101	34%
5	Conifers $\geq 30\text{cm}$, Broadleaf $\geq 65\text{cm}$	310	38%	90	30%
6	all trees $\geq 45\text{cm}$	211	26%	76	25%
7	all trees $\geq 60\text{cm}$	125	15%	58	19%

* These lots have one or more trees of the corresponding size criteria.

APPENDIX 2: PROPOSED PROCESS FOR TREE-CUTTING PERMITS

Scenario 1: Land Owner Request to Cut Trees – Not Associated with a Development Application

*In this situation, a land owner who wants to remove a tree contacts the City to find out if a tree-cutting permit is required under the Tree Bylaw, in order to cut a tree. In some cases, staff would be able to direct the owner to assess/measure the tree type and size, and confirm this with airphotos and photos submitted by the applicant, to assist the owner in self-assessing if the tree is considered to be a "Significant Tree." Otherwise, if the owner is unable to make this determination or the findings are not consistent, a site visit may be required. If the tree is determined by staff to NOT be "Significant" according to the Tree Bylaw, the applicant would be allowed to remove the tree, with no further approval required. If the tree was considered "Significant," staff would then evaluate if the tree could be removed according to the criteria outlined in **Section 3.2.6.** of this report. If these conditions were met, a Tree-Cutting Permit would be issued, upon receipt of the permit application, fee and bonding for replacement tree(s). If the tree did not meet the removal criteria, staff would discuss options with the owner, including measures to address particular concerns. A Tree-Cutting Permit could be withheld, resulting in the tree being retained; or, an owner may choose to submit an arborist's report in support of removing the tree (e.g., if it was deemed to be unsafe or unhealthy). Finally, if an owner continued to dispute the requirement to retain a tree, they could appeal to the Director, Planning and Building, and failing that, to Council. This process is summarized below.*



Scenario 2: Tree-Cutting Permit Associated with Development

In this situation, upon application for a development permit (demolition permit, building permit, Preliminary Plan Approval, Rezoning or Subdivision), a developer is required to submit a tree survey and, if trees are proposed to be cut, a Tree-Cutting Permit application. Staff review the documentation, visit the site and determine the requirements for tree retention, management and replacement tree planting in accordance with the Tree Bylaw. The developer then submits the permit fee, landscape plans and bond for replacement trees. The Tree-Cutting Permit is issued, the development is completed, and staff inspect the site to ensure compliance with the Bylaw. After one year, to ensure survival of the replacement tree(s), staff refund the bond.

This process is essentially unchanged from the current process for single- and two-family properties, and for subdivision and rezoning. It adds the requirement to obtain a Tree-Cutting Permit for development of all lands in the city.

